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10/642,962

08/14/2003

Sameer Desai

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4168

7590

08/25/2005

EXAMINER

KENNEDY, JOSHUA T

Valeo Inc  
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Auburn Hills, MI 48326

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,962

Applicant(s)

DESAI ET AL.

Examiner

Joshua T. Kennedy

Art Unit

3679

*[Signature]*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-7, 9, 12, and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Mahe et al (US Patent 6,315,034).

As to Claim 1. Mahe et al disclose a heat exchanger assembly, comprising:

a first attachment component (56) including a slot wall (50), a slot tab (50; Examiner considers the portion of the slot wall that is perpendicular to outside wall 50 and adjacent to the spring clip 42 to be the slot tabs), a flexible member (42), a stop wall (48), and a stop edge combination (50; Examiner considers the edge of 50 which abuts item 62 to be the stop edge);

a second attachment component (68), including a mating bracket (68) with flange (60) combination;

wherein the first attachment component is approximately parallel to the second attachment component and wherein the bracket is aligned with the opening formed by the slot walls of the first attachment component (see figures 1-4; columns 1-3).

Art Unit: 3679

As to Claim 2. Mahe et al disclose one or more attachment components (56) have at least one back up hole (70) separate from the opening formed by the slot walls (Examiner considers the area defined by the edges 58 of the clip 42 to be an opening formed by the slot walls 50) of the first attachment component for screws.

As to Claim 4. Mahe et al disclose that the first attachment component (56) and second attachment component (68) are assembled using a sliding motion (see figures 1-4; column 4 line 7).

As to Claims 5 and 15. Mahe et al disclose the first attachment component (56) and second attachment component (68) once assembled restrict movement in at least 2 directions (see figures 1-4).

As to Claims 6 and 16. Mahe et al disclose the first attachment component (56) and second attachment component (68) once assembled restrict movement in at least 4 directions (see figures 1-4).

As to Claims 7 and 19. Mahe et al disclose the second attachment component having an opening (Examiner considers the forward edges of 68 to form an opening to which the flexible member is received) and the first attachment component flexible member (42) including a snapping ledge (56, examiner considers the inside edge of 56 to be a ledge that snaps and which fits in the opening once assembled).

As to Claim 9. Mahe et al disclose the flange (60) of the second attachment component (68) being fully captured under the slot tab (52) of the first attachment component (56; see figures 1-4).

As to Claim 12. Mahe et al disclose two or more of the attachment components (56) engage other components (68) by snapping in (see figures 1-4, esp. column 3, lines 33-37).

As to Claim 17. Mahe et al disclose the slot tabs (54) being continuous (see Figs 1-4).

As to Claim 18. Mahe et al disclose an assembly comprising:

- a first attachment component including a slot wall (50), a slot tab (52), a flexible member (42) , a stop wall (48), and a stop edge (50) combination;

- a second attachment component (68), including a mating bracket with flange combination (60);

- wherein the first attachment component and the second attachment component are capable of being assembled using a sliding motion and wherein the components, once assembled, restrict movement in at least 2 directions (Figs 1-4).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 8, 10-11, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mahe et al.

As to Claims 3, 8, 11, and 13. Mahe et al disclose a load bearing alignment element being a post or locator post (66), however Mahe et al disclose that said alignment is on the second component instead of element being on the first attachment component. It would have been obvious to one of ordinary skill in the art to have the alignment element (66) of the second component included on the first element and the hole (70) of the first component included on the second component because the reversal of components in a prior art reference, where there is no disclosed significance to such reversal, is a design consideration within the skill of the art. In re Gazda, 219 F.2d 449, 104 USPQ 400 (CCPA 1955); In re Japikse, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

As to Claim 10. Mahe et al disclose one or more of the attachment components (56, 58) engage another component by snapping in (see Figs 1-4).

Art Unit: 3679

As to Claim 13. Mahe et al disclose a heat exchanger assembly comprising:

a first attachment component (56) including a slot wall (50), a slot tab (52), a flexible member (42), an alignment element (see above), a stop wall (48), and a stop edge (50) combination; and a second attachment component (68) having a bracket wherein the first attachment component is approximately parallel to the second attachment component and wherein the bracket is aligned with the open area formed by the slot wall or the alignment element, of the first heat exchanger component and assemble using a sliding motion (Figs 1-4), and wherein the flexible member provides preload to the bracket of the second component (Examiner considers the spring clip to inherently provide a preload to the bracket of the second component).

As to Claim 14. Mahe et al disclose one or more attachment components have at least one back up hole (70) separate from the opening formed by the slot walls of the first component for screws.

As to Claim 15. Mahe et al disclose the first attachment component (56) and second attachment component (68) once assembled restrict movement in at least 2 directions (see figures 1-4).

As to Claim 16. Mahe et al disclose the first attachment component (56) and second attachment component (68) once assembled restrict movement in at least 4 directions (see figures 1-4).

***Response to Arguments***

Applicant's arguments filed 8/02/2005 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 2, 3, 7, 11, 14 and 17 are moot in view of the new ground(s) of rejection.

As to Claim 1, Applicant argues that:

*the bridge of Mahe is not described or used as a stop wall... and that stop edge is not a structure from the clip/housing...*

Examiner respectfully disagrees as to Claim 1, because the wall (48) abuts (thus "stops") against second attachment component (68) thus making it a "stop wall."

Applicant additionally argues that:

*the present invention requires a flexible member which is preferably snapping the edge, as part of the first attachment component*

Examiner respectfully disagrees as to Claim 1, because Mahe et al disclose a flexible member (42) that snaps over item 64 when engaged.



Art Unit: 3679

As to Claims 4, 13, and 18, Applicant argues that:

*The present invention slides without need of a pivoting or swinging mount to get alignment.*

Examiner respectfully disagrees as to Claim 4, 13, and 18, because not only is a pivoting motion precluded by the language of the claim, but in Col 4, lines 6-7 of Mahe et al, after the pivoting motion it is called for the duct to move by a translational (sliding) motion.

As to Claims 9 and 12, Applicant argues that:

*The lug (60) is not fully captured, it is engaged only at the edge.*

Examiner respectfully disagrees as to Claims 9 and 12, because once the clip is snapped in it is captured on three edges of the aperture of the clip 58 preventing movement in three directions and the stop wall 48 acting against the second attachment component prevent movement in a fourth direction, hence the lug is considered to be captured.

As to claims 6, 8, 10, and 16, Applicant argues that:

Examiner considers applicants statement that they are allowable for the same reasons as claims 1, 2, 3, and 15, respectively are acknowledged. Accordingly, these claims stand or fall with the patentability determination of those claims.

Art Unit: 3679

The requirement of the load bearing alignment element to be located on the first attachment element as stated in Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JTK  
8/18/2005

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